



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	Michael R. Layton	
Appln. No.	10/633,368	
Filed	07/31/2003	Group Art Unit:
Title	SHOCK-RESISTANT ENCLOSURE	Examiner:

**DECLARATION FOR UTILITY PATENT APPLICATION**  
**(37 C.F.R. § 1.63)**

As a below named inventor, I hereby declare that my mailing address and citizenship are as stated below.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

SHOCK-RESISTANT ENCLOSURE

the specification of which:

☐ is attached hereto OR

☒ was filed on 07/31/2003 as United States Application Number 10/633,368 or PCT International Application Number and amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/400,940	08/01/2002

PLEASE DIRECT ALL CORRESPONDENCE TO:

The address associated with **Customer Number: 32940**, currently:

Name	Edward S. Wright
Address	DORSEY & WHITNEY LLP Four Embarcadero Center Suite 3400 San Francisco, California 94111-4187
Telephone	(650) 494-8700
Fax	(650) 494-8771

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Sole or First Inventor:</b>				
Given Name (First and middle)			Family Name or Surname	
Michael R. <i>m R Layton</i>			Layton	
Inventor's Signature				Date: 10/01/2003
Residence	Clayton	CA	94517	Citizenship: USA
	City	State	Zip	
Post Office Address	1849 Yolanda Circle Clayton, CA 94517			

<b>Second Inventor:</b>				
Given Name (First and middle)			Family Name or Surname	
John C. <i>John C Holloway</i>			Holloway	
Inventor's Signature				Date: 10/01/2003
Residence	Pleasanton	CA	94588	Citizenship: USA
	City	State	Zip	
Post Office Address	3378 W. Las Positas Pleasanton, CA 94588			

<b>Third Inventor:</b>				
Given Name (First and middle)			Family Name or Surname	
Mark A. <i>Mark A Collins</i>			Collins	
Inventor's Signature				Date: 10/01/2003
Residence	Antioch	CA	94531	Citizenship: USA
	City	State	Zip	
Post Office Address	2714 Larkspur Dr. Antioch, CA 94531			

<b>Fourth Inventor:</b>		<i>Patrick J. Phipps</i>		
Given Name (First and middle)			Family Name or Surname	
Patrick J.			Phipps	
Inventor's Signature				Date: 10/01/2003
Residence	Antioch	CA	94531	Citizenship: USA
	City	State	Zip	
Post Office Address	5137 Winterglen Way Antioch, CA 94531			

## POWER OF ATTORNEY BY ASSIGNEE

The undersigned assignee of the entire interest for letters patent with assigned patent application Serial No. 10/633,368, filed July 31, 2003, entitled ***SHOCK-RESISTANT ENCLOSURE*** and having the named inventors: Michael R. Layton, John C. Holloway, Mark A. Collins and Patrick J. Phipps, hereby appoint, the DORSEY & WHITNEY LLP attorneys and agents associated with Customer Number 32940 as its attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 3.71; provided that if any one of said attorneys ceases being affiliated with the law firm of DORSEY & WHITNEY LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived there from shall terminate on the date such attorney ceases being so affiliated.


In accordance with 37 C.F.R. 3.73, the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, the assignee is the owner of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above, a copy of which is attached hereto. The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Direct all telephone calls to EDWARD S. WRIGHT at (650) 494-8700.

Address all correspondence to:

DORSEY & WHITNEY LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187

Date: October 1, 2003

Signature: 

By: Gerald D. Brasuell  
(typed name)

Title: Vice President/ General Manager

Assignee: BEI Technologies, Inc.

Address: One Post Street, Suite 2500  
San Francisco, CA 94104

**COPY**

**ASSIGNMENT**

**COPY**

WHEREAS, the undersigned, Michael R. Layton, a resident of the City of Clayton, County of Contra Costa, State of California; John C. Holloway, a resident of the City of Pleasanton, County of Alameda, State of California; Mark A. Collins, a resident of the City of Antioch, County of Contra Costa, State of California; and Patrick J. Phipps, a resident of the City of Antioch, County of Contra Costa, State of California; (hereinafter termed "Inventors"), have invented certain new and useful improvements in **SHOCK-RESISTANT ENCLOSURE**, and have executed an application for a United States patent disclosing and identifying the invention; and having Serial No. 10/633,368, and filing date of July 31, 2003; and

WHEREAS, BEI Technologies, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at One Post Street, Suite 2500, City of San Francisco, State of California, is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any

applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their heirs, legal representatives and assigns.

4. Said Inventors hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said **Michael R. Layton** has executed and delivered this instrument to said Assignee this 5 day of Oct, 2003.

M R Layton

Michael R. Layton

County of County Contra Costa )  
State of California ) ss.

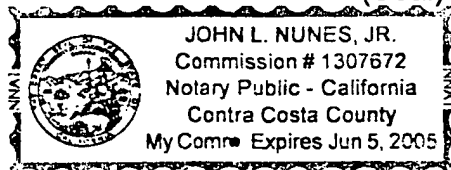
On this 1st day of Oct in the year 2003, before me, John L. Nunes Jr., Notary Public of the State of California, personally appeared **Michael R. Layton**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

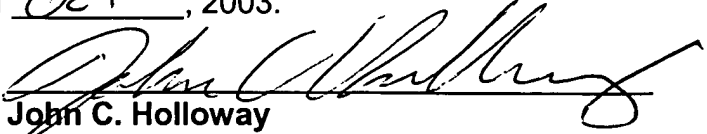
Signature

John L. Nunes Jr.

(Seal)



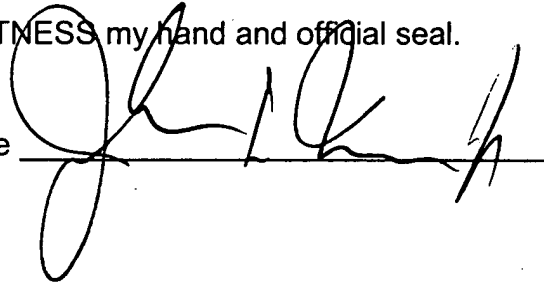
IN WITNESS WHEREOF, said **John C. Holloway** has executed and delivered this instrument to said Assignee this 1<sup>st</sup> day of OCT, 2003.

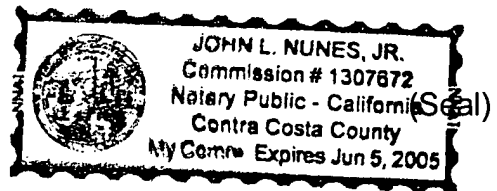
  
John C. Holloway

County of Contra Costa )  
 ) ss.  
State of California )

On this 10/01 day of OCT 1<sup>st</sup> in the year 2003, before me, John L. Nunes, Jr., Notary Public of the State of California, personally appeared **John C. Holloway**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Signature 



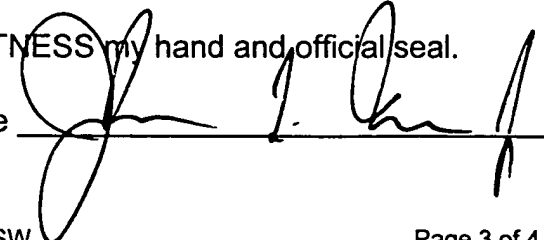
IN WITNESS WHEREOF, said **Mark A. Collins** has executed and delivered this instrument to said Assignee this 1<sup>st</sup> day of OCT, 2003.

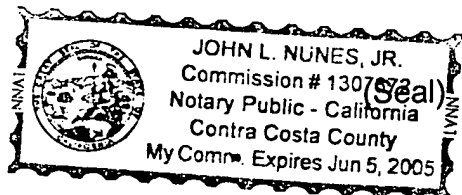
  
Mark A. Collins

County of Contra Costa )  
 ) ss.  
State of California )

On this 1<sup>st</sup> day of OCT in the year 2003, before me, John L. Nunes, Jr., Notary Public of the State of California, personally appeared **Mark A. Collins**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Signature 



IN WITNESS WHEREOF, said **Patrick J. Phipps** has executed and delivered this instrument to said Assignee this 1<sup>st</sup> day of October, 2003.

Patrick J. Phipps  
Patrick J. Phipps

County of Contra Costa )  
 ) ss.  
State of California )

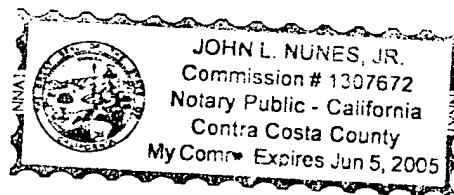
On this 1<sup>st</sup> day of Oct in the year 2003, before me, John L. Nunes, Jr., Notary Public of the State of California, personally appeared **Patrick J. Phipps**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Signature

John L. Nunes, Jr.

(Seal)





# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Contra Costa

ss.

On

10/01/03

Date

, before me,

John L. Nunes

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

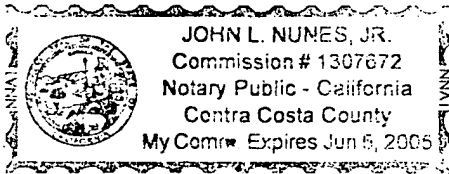
Michael

Robert Layton

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

Assignment

Document Date:

7/31/03

Number of Pages:

Signer(s) Other Than Named Above:

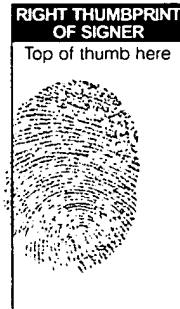
MR Layton

### Capacity(ies) Claimed by Signer

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa } ss.

On 10/01/02, before me, John L. Nunes

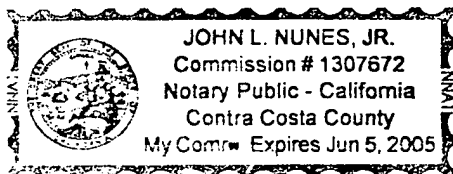
Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mark Andrew Collins

Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Assignment

Document Date: 7/31/02

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: Mark Andrew Collins

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



# CALIF RNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa } ss.

On 10/01/02, before me, John L. Nunes

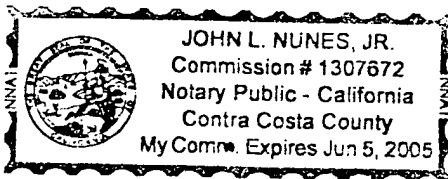
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Tatrick Phipps

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Patent

Document Date: 7/31/02

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: X Tatrick Phipps

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

☐ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

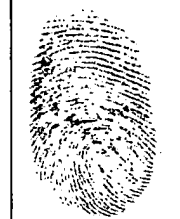
☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa } ss.

On 10/01/03, before me, John L. Nunes

Date

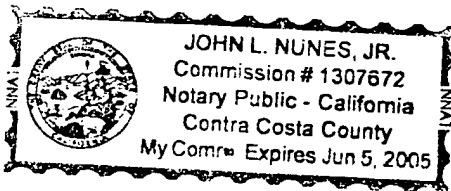
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared John E. Hollow

Name(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Instrument

Document Date: 7/3/03

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: John E. Hollow

- ☒ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here